

# **EXHIBIT A**



## AlaFile E-Notice

01-CV-2024-904987.00

To: PORTFOLIO RECOVERY ASSOCIATES, LLC  
C/O CORP SERVICE CO INC  
641 SOUTH LAWRENCE STREET  
MONTGOMERY, AL, 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JOSE VELEZ V. PORTFOLIO RECOVERY ASSOCIATES, LLC  
01-CV-2024-904987.00

The following complaint was FILED on 12/6/2024 3:37:40 PM

Notice Date: 12/6/2024 3:37:40 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
716 RICHARD ARRINGTON, JR BLVD  
BIRMINGHAM, AL, 35203

205-325-5355  
jackie.smith@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 7/2023	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>01-CV-2024-904987.00</b>
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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**  
**JOSE VELEZ V. PORTFOLIO RECOVERY ASSOCIATES, LLC**

**NOTICE TO:** PORTFOLIO RECOVERY ASSOCIATES, LLC, C/O CORP SERVICE CO INC 641 SOUTH LAWRENCE STREET, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
*(Name and Address of Defendant)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), PATRICIA SUZANNE LOCKHART.

\_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 5723 Annanadale Lane, BIRMINGHAM, AL 35210  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request below of JOSE VELEZ  
 pursuant to the Alabama Rules of the Civil Procedure. *[Name(s)]*

12/06/2024 /s/ JACQUELINE ANDERSON SMITH By:  
*(Date)* *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ PATRICIA SUZANNE LOCKHART  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE**

*Certified Mail*

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

*Personal/Authorized*

☐ I certify that I personally delivered a copy of this Summons and the Complaint or other document to \_\_\_\_\_ in \_\_\_\_\_ County, Alabama on \_\_\_\_\_  
*(First and Last Name of Person Served)* *(Name of County)* *(Date)*

Document left:

☐ with above-named Defendant;

☐ with an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;

☐ at the above-named Defendant's dwelling house or place or usual place of abode with some person of suitable age and discretion then residing therein.

*Return of Non-Service*

☐ I certify that service of process of this Summons and the Complaint or other document was refused by \_\_\_\_\_ in \_\_\_\_\_ County, Alabama on \_\_\_\_\_ who is:  
*(First and Last Name of Person Served)* *(Name of County)* *(Date)*

☐ the above-named Defendant;

☐ an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;

☐ As a designated process server pursuant to Rule 4(i)(1)(B), Alabama Rules of Civil Procedure, I certify that I am at least 19 years of age, I am not a party to this proceeding, and I am not related within the third degree by blood or marriage to the party seeking service of process.

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
*(Type of Process Server)* *(Server's Signature)* *(Address of Server)*

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
*(Badge or Precinct Number of Sheriff or Constable)* *(Server's Printed Name)* *(Telephone Number of Designated Process Server)*

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
*(Badge or Precinct Number of Sheriff or Constable)* *(Telephone Number of Designated Process Server)*



ELECTRONICALLY FILED

12/6/2024 3:37 PM

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CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

Ca:

01

Date of Filing:

12/06/2024

Judge Code:

State of Alabama  
Unified Judicial System

Form ARCiv-93 Rev. 9/18

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
 (Not For Domestic Relations Cases)

**GENERAL INFORMATION**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

**JOSE VELEZ v. PORTFOLIO RECOVERY ASSOCIATES, LLC**

**First Plaintiff:** ☐ Business ☒ Individual ☐ Government ☐ Other

**First Defendant:** ☒ Business ☐ Individual ☐ Government ☐ Other

**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:

**TORTS: PERSONAL INJURY**

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonness
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice-Medical
- ☐ TOLM - Malpractice-Legal
- ☐ TOOM - Malpractice-Other
- ☐ TBFM - Fraud/Bad Faith/Misrepresentation
- ☒ TOXX - Other: \_\_\_\_\_

**TORTS: PERSONAL INJURY**

- ☐ TOPE - Personal Property
- ☐ TORE - Real Property

**OTHER CIVIL FILINGS**

- ☐ ABAN - Abandoned Automobile
- ☐ ACCT - Account & Nonmortgage
- ☐ APAA - Administrative Agency Appeal
- ☐ ADPA - Administrative Procedure Act
- ☐ ANPS - Adults in Need of Protective Service

**OTHER CIVIL FILINGS (cont'd)**

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- ☐ CVRT - Civil Rights
- ☐ COND - Condemnation/Eminent Domain/Right-of-Way
- ☐ CTMP - Contempt of Court
- ☐ CONT - Contract/Ejectment/Writ of Seizure
- ☐ TOCN - Conversion
- ☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- ☐ CVUD - Eviction Appeal/Unlawful Detainer
- ☐ FORJ - Foreign Judgment
- ☐ FORF - Fruits of Crime Forfeiture
- ☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- ☐ PFAB - Protection From Abuse
- ☐ EPFA - Elder Protection From Abuse
- ☐ QTLB - Quiet Title Land Bank
- ☐ FELA - Railroad/Seaman (FELA)
- ☐ RPRO - Real Property
- ☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- ☐ COMP - Workers' Compensation
- ☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F ☒ INITIAL FILINGA ☐ APPEAL FROM DISTRICT COURTO ☐ OTHERR ☐ REMANDEDT ☐ TRANSFERRED FROM OTHER CIRCUIT COURTHAS JURY TRIAL BEEN DEMANDED? ☒ YES ☐ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

LOC023

12/6/2024 3:37:36 PM

Date:

/s/ PATRICIA SUZANNE LOCKHART

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: ☐ YES ☒ NO ☐ UNDECIDEDElection to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ☒ NO



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12/6/2024 3:37 PM

01-CV-2024-904987.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JOSE VELEZ,

an individual,

Plaintiff,

v.

PORTFOLIO RECOVERY

ASSOCIATES, LLC;

Fictitious Defendants "A", "B" and

"C" thereby intending to refer to

the legal entity, person, firm or

corporation which was responsible

for or conducted the wrongful acts

alleged in the Complaint; Names of

the Fictitious parties are unknown

to the Plaintiff at this time but will

be added by amendment when

ascertained

Defendants.

Civil Action No.:

JURY TRIAL DEMANDED

### COMPLAINT

COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for Plaintiff's Complaint against the Defendant<sup>1</sup> states as follows:

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act<sup>2</sup>, 15 U.S.C. § 1692 et seq. ("FDCPA") by the

<sup>1</sup> "Defendant" means all defendants, including fictitiously named defendants.

<sup>2</sup> Any reference to the FDCPA or any part thereof encompasses all relevant parts and subparts of each statute.

Defendant and its agents in their illegal efforts to collect a consumer debt from Plaintiff.

### **PARTIES**

2. Plaintiff **JOSE VELEZ** (hereinafter “**Plaintiff**”) is a natural person who is a resident of Alabama.
3. Defendant **PORTFOLIO RECOVERY ASSOCIATES, LLC** (hereinafter “**Defendant**”), is a debt collection firm that engages in the business of debt collection. Its principal business purpose is the collection of defaulted debts, and it uses various instruments of interstate commerce to accomplish debt collection including sending letters, calling on the phone, credit reporting, filing of lawsuits, etc.
4. **Fictitious Defendants “A”, “B” and “C”** thereby intending to refer to the legal entity, person, firm or corporation which was responsible for or conducted the wrongful acts alleged in the Complaint; names of the Fictitious parties are unknown to the Plaintiff at this time but will be added by amendment when ascertained.
5. Any reference to any **Defendant** refers to all **Defendants** and **Fictitious Defendants**.

### JURISDICTION

6. Personal jurisdiction exists over **Defendant** as **Defendant** has the necessary minimum contacts with the State of Alabama and this suit arises out of **Defendant's** specific conduct with **Plaintiff** in Alabama. All the actions described in this suit occurred in Alabama.

### VENUE

7. Venue is proper as **Defendant** does business in this judicial district.

### FACTUAL ALLEGATIONS

8. Congress found it necessary to pass the FDCPA due to rampant abusive practices by dishonorable debt collectors. 15 USC § 1692 is entitled "Congressional findings and declaration of purpose" and it states as follows:

- (a) There is **abundant evidence** of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. **Abusive debt collection practices contribute** to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to **invasions of individual privacy**.
- (b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
- (c) **Means other than** misrepresentation or other **abusive debt collection practices are available for the effective collection of debts**.
- (d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
- (e) It is the **purpose** of this title to **eliminate abusive debt collection practices** by debt collectors, to **insure that those debt collectors who refrain from using abusive debt collection**

**practices are not competitively disadvantaged**, and to promote consistent State action to protect consumers against debt collection abuses.

[Emphasis added].

9. **Plaintiff** allegedly incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).
10. **Defendant** is considered a “debt collector” and began engaging in debt collection activities against **Plaintiff**.
11. The primary and principal business of **Defendant** is to collect alleged defaulted debts.
12. At the time that **Defendant** received the alleged debt of **Plaintiff**, the alleged debt was in default.
13. **Defendant** claimed **Plaintiff** owed **Defendant** money.
14. **Defendant** began collection activities against **Plaintiff**.
15. As part of **Defendant’s** collection activities, **Defendant** filed a Statement of Claim against **Plaintiff** in the Small Claims Court of Blount County, Alabama on or about **August 8, 2024**.
16. **Plaintiff** subsequently filed an Answer to the Statement of Claim of **Defendant** with the clerk of the court on **October 10, 2024**.



17. **Defendant** was served with a copy of the Answer to the Statement of Claim on the date it was filed or shortly thereafter.
18. **Plaintiff** denied all the allegations in the Statement of Claim meaning that **Plaintiff** disputed the debt at issue.
19. Despite this, and in violation of the FDCPA, **Defendant** updated **Plaintiff's** credit reports with the account sued on without marking the account as disputed.
20. On **October 21, 2024**, **Defendant** updated its account on the **November 18, 2024 Trans Union** report of **Plaintiff** without showing the account as disputed.
21. All of the above-described actions by **Defendant** and collection agents of **Defendant** were made in violation of the FDCPA as alleged below in the Count.
22. The conduct of the **Defendant** has proximately caused **Plaintiff** damages.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. § 1692 et seq.**

23. The acts and omissions of **Defendant** and its agents constitute numerous and multiple violations of the FDCPA with respect to **Plaintiff**, including, but not limited to, violations of 1692d, 1692e, 1692e(8), 1692e(10), 1692f and 1692f(1).
24. As a result of **Defendant's** violations of the FDCPA, **Plaintiff** is entitled to damages and reasonable attorney's fees and costs from **Defendant**.

**PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED, Plaintiff** prays that judgment be entered against **Defendant** for all damages allowable, costs, expenses, attorney fees, injunctive relief to prevent further violations, and for such other and further relief as may be just and proper.

Respectfully Submitted,

**/s/ Patricia S. Lockhart**  
Patricia S. Lockhart (LOC023)  
Watts & Herring, LLC  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, Alabama 35203  
(256) 276-2527  
[patricia@wattsherring.com](mailto:patricia@wattsherring.com)  
**Attorney for Plaintiff**

**/s/ John G. Watts**  
**John G. Watts (WAT056)**  
**M. Stan Herring (HER037)**  
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(205) 879-2447  
[john@wattsherring.com](mailto:john@wattsherring.com)  
[stan@wattsherring.com](mailto:stan@wattsherring.com)  
**Attorneys for Plaintiff**

**PLAINTIFF DEMANDS A TRIAL BY JURY**

**Serve defendant via certified mail at the following address:**

**PORTFOLIO RECOVERY ASSOCIATES, LLC  
c/o CORPORATION SERVICE COMPANY INC  
641 SOUTH LAWRENCE STREET,  
MONTGOMERY, AL, 36104**